

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DAVID STEBBINS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-3305-CV-S-RED
)	
RELIABLE HEAT & AIR, LLC, et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court is Plaintiff's Motion for Default (Doc. 12). Under Federal Rule of Civil Procedure 55, default judgment is only proper where a defendant has failed to answer or otherwise defend. Considering Defendants filed an Answer on November 18, 2010 (Doc. 13), default judgment is not proper. After careful consideration, Plaintiff's Motion for Default is **DENIED** (Doc. 12).

IT IS SO ORDERED.

DATED: November 19, 2010

/s/ Richard E. Dorr

RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT